IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Bail Appl..No. 1692 of 2007

CRIME NO.84/2007 OF KANJAR POLICE STATION

PETITIONER/A1 TO A3

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1. PROTHASIS (A1),
VELUTHEDATHU PARAMBIL, KUDAYATHUR KARA,
KUDAYATHUR VILLAGE.

2. SEBASTIAN (A2),
VELUTHEDATHU PARAMBIL, KUDAYATHUR KARA,
KUDAYATHUR VILLAGE.

3. THRESIAMMA (A3),
VELUTHEDATHU PARAMBIL, KUDAYATHUR KARA,
KUDAYATHUR VILLAGE.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.PRABHU VIJAYAKUMAR

RESPONDENTS:

S.I. OF POLICE, KANJAR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1692 OF 2007 B

Dated this the 26th day of March, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners, who are accused Nos.1 to 3 in Crime No.84/07 of Kanjar Police Station for offences punishable under Secs.326, 324, 323 and 427 read with section 34 I.P.C., seek anticipatory bail. The occurrence took place at about 5 p.m. on 2.3.2007.

2. Learned Public Prosecutor opposed the application.

3. Having regard to the fact that the injury constituting section 326 IPC was inflicted by the first accused, I am not inclined to grant anticipatory bail to the first accused. There is no reason why the first accused should not surrender before the Magistrate and seek regular bail. Accordingly, if the first accused surrenders before the Magistrate concerned and files an application for regular bail, within a period of two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

4. In the case of accused Nos.2 and 3, I am, however, inclined to grant anticipatory bail to them. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the 2nd and 3rd petitioners on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the

following conditions:

a. 2nd petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. 2nd and 3rd petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

c. 2nd and 3rd petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

d. 2nd and 3rd petitioners shall not commit any offence while on bail.

e. 2nd and 3rd petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the 2nd and 3rd petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

In the result, this application is allowed in part granting bail to the 2nd and 3rd petitioners but rejecting the request of the first accused for bail.

(V. RAMKUMAR, JUDGE)

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